INVESTIGATIVE SUMMARY

Investigative Summary

DEPUTY INVOLVED SHOOTING: SUSPECT DECEASED

CASE NUMBER: SH2338198

File # 013-05285-1575-013

DATE: July 19, 2013, Friday

TIME: 1143 hours

LOCATION: [redacted] Duchess Drive, Whittier CA. 90660

Opening Statement

On Friday, July 19, 2013, Internal Affairs Bureau investigators responded to an incident command post, established by Pico Rivera Station personnel. Sergeant Slade Carrizosa, Sergeant Dave Ladjevic and Lieutenant Todd Weber were briefed regarding the circumstances of a Deputy Involved Hit Shooting. Sergeant Slade Carrizosa was assigned the responsibility for the administrative review of the incident.

[redacted] Sergeant Patrick Morris was tasked with completing the review in Sergeant Carrizosa's absence.

Synopsis

Sergeant Pablo Partida and Deputy Cuauhtemoc Gonzalez were driving south on Duchess Drive in a marked patrol car, when they stopped to contact Suspect Robert MacAfee and another individual who were sitting on the porch of [redacted] Duchess Drive in the unincorporated area of Whittier. Sergeant Partida recognized the location as being a narcotics location where gang members frequent. Two weeks prior to this incident, the suspect's [redacted] ([redacted]) was arrested at the location for narcotics. During that investigation, [redacted] told deputies his [redacted] (Suspect Robert McAfee) was on active parole and in possession of a firearm. This arrest and subsequent parole compliance search occurred on July 6, 2013 and was documented under Los Angeles County Sheriff's Department file number 913-04922-1575-184, **refer to Homicide book, Exhibit A, pages 64-70.**

As Sergeant Partida and Deputy Gonzalez approached the residence, the two males looked at Sergeant Partida and Deputy Gonzalez. They both stood up and walked to the front door of the residence. Suspect McAfee attempted to open the front door, but was unsuccessful. Deputy Gonzalez and Sergeant Partida exited their patrol car to contact the two males. Suspect McAfee ran north along the front porch towards the driveway and chain link fence. The second male walked away from the porch onto the front lawn area in a southeast direction. Deputy Gonzalez detained the second male ([redacted] at gun point on the front lawn without incident.

Sergeant Partida drew his duty weapon and ordered Suspect McAfee to stop running. Sergeant Partida believed Suspect McAfee appeared to be a gang member based on his baggy clothing and numerous tattoos.

Suspect McAfee continued running north along the porch ignoring Sergeant Partida's orders to stop running. Sergeant Partida ran west down the driveway from his patrol car approximately 10 to 15 yards towards Suspect McAfee.

As Suspect McAfee reached the driveway and chain link gate which separates the front and rear yards, he opened the gate and ran west, closing the gate behind him. Sergeant Partida momentarily lost visual contact with Suspect McAfee in the backyard due to the privacy slats in the chain link fence. Sergeant Partida heard what he believed to be metal hitting the ground and described it as a "clanging" sound.

Sergeant Partida opened the gate in order to clear the area behind the gate. Sergeant Partida saw Suspect McAfee approximately six feet west of the chain link gate, crouched down between a van parked in the driveway facing west at the north property line fence. Suspect MacAfee was facing north towards the fence with the right side of his body facing Sergeant Partida. Suspect McAfee was holding a gun in his right hand, which he raised and pointed in his direction as he began to stand up from a crouching position. Sergeant Partida, fearing for his life and believing he may be shot, fired two rounds from his 9mm duty weapon at Suspect McAfee. Suspect McAfee continued to raise the handgun and simultaneously tossed it over the fence, into the backyard of the residence to the north. Suspect McAfee turned and ran a few steps, then collapsed. Sergeant Partida detained Suspect McAfee at gunpoint.

Suspect McAfee sustained two gunshot wounds, one to the left side of the torso and one to his left buttocks. He was pronounced dead at the scene.

Two expended 9mm shell casings were recovered at the location. One shell casing was located near the fence post on the driveway of [redacted] Duchess Drive. The second shell casing was located next to the right rear passenger side tire of a 1999 GMC van, California license plate [redacted] which was parked behind the gate.

The suspect's handgun was recovered in the backyard of the adjoining residence to the north, located at [redacted] The handgun, a Beretta Cougar, 9mm semiautomatic handgun, was loaded with 28 live 9mm rounds in an extended magazine, **refer to Exhibit A, page 36, and Exhibits B and C (Crime Scene photos and sketches).**

Deputy Gonzalez detained the second male at gun point on the front lawn of the location. Deputy Gonzalez asked Sergeant Partida if he was ok. Sergeant Partida confirmed he was ok and Deputy Gonzalez advised Pico Rivera Station units they had been involved in a shooting over Dispatch 13 and requested additional units to their location along with rescue. The second male, [redacted] was detained without incident.

The incident was documented in Homicide Bureau's case book and Supplemental Report, **Exhibit A**, and crime scene sketches (**Exhibit C**) along with related photographs which were placed on CD's, refer to **Exhibit B.**

The Sheriff's Department received a four page letter from the District Attorney's Office stating Sergeant Partida's shooting was a lawful shooting. Refer to the District Attorney's letter in the miscellaneous document section of this case.

IAB NOTE: Deputy Gonzalez put out radio traffic advising they had been involved in a shooting.

Involved Personnel

Partida, Pablo, Sergeant, #[redacted]

Assigned to South Patrol Division, Pico Rivera Station

Working Unit 153S, Pico Rivera Station

Date of Employment: April 12, 1995

Date Assigned to Patrol: [redacted]

Prior Shooting Incidents: One

Prior Founded Force Incidents: [redacted]

Suspect

McAfee, Robert Michael MH/02-08-84 (Deceased)

Suspect McAfee has an extensive criminal background. A check of the CCHRS [redacted] Refer to Suspect McAfee's CCHRS printouts, **Exhibit A, pages 70-94.**

Sworn Witnesses

Gonzalez, Cuauhtemoc #[redacted] Deputy (Pico Rivera Station)

Civilian Witnesses



[redacted] MH/[redacted]

[redacted] FH/[redacted]

[redacted] MH/[redacted]

[redacted] FH/[redacted]

Injuries

No deputies were injured.

Suspect McAfee sustained two gunshot wounds, one to his left chest and one to his left upper buttocks. He was pronounced dead at 1157 hours by Los Angeles County Fire Paramedics Canales and Soto (Paramedic Squad 28). Suspect McAfee's remains were transported to the Los Angeles County Coroner's office. His remains were examined by Doctor Kevin Young. Suspect McAfee cause of death was due to a single gunshot wound to the chest, **refer to Exhibit A, pages 135-162**. A CD containing Autopsy photographs is included in **Exhibit B.**

Physical Evidence

All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, refer to **Exhibit A, pages 39-40.**

Additionally, a CD containing crime scene photographs, and audio recordings are provided with this case; refer to **Exhibit B.** Crime scene sketches are submitted with this case, refer to **Exhibit C.**

Investigators' Observations

At the time of the IAB investigator's arrival, the crime scene had been preserved. The physical evidence at the scenes appeared to be consistent with the deputies' versions of the events.

This incident occurred on the 6800 block of Duchess Drive, Whittier, which is a north/south residential street. For further details, refer to **Exhibit A, pages 34-36**. For crime scene photographs and sketches refer to **Exhibits B and C.**

Weapons used by Deputy Personnel:

Partida, Pablo
Service Weapon Type: Beretta 9mm, 92FS, serial #BER0608732
Rounds Fired: Two Winchester 9MM "T-series"
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

> **IAB Note:** An examination of Sergeant Partida's firearm indicated he shot a total of two rounds, as he carried his weapon with fifteen rounds in the magazine and one round in the chamber. Following the shooting his weapon contained thirteen rounds in the magazine and one round in the chamber. Two 9MM casings were recovered at the scene. **Refer to Exhibit A, page 61.**

The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Exhibit A, pages 40-41.**

Weapon used by Suspect

(1) Black, Beretta 9MM Semi-Automatic, Model 8000F, Mini Cougar Serial #07551MC containing (1) CBC 9mm Lugar, (15) WCC99, (8) RP 9mm, (2) PMC 9mm, (1) PMC 9mm Luger, (1) GFL 9mm Luger, and (1) Magazine with parts from the broken magazine. See **Exhibit A, Page 39.** Suspect McAfee's firearm was reported stolen to Downey Police Department on 06/14/2011, refer to **Exhibit A, pages 43 to 50**.

The firearm was tested by Sheriff's firearms examiners and found to be functional. Refer to **Exhibit D.**

> **IAB NOTE:** Scientific Services report of Suspect McAfee's firearms functionality test was not included in **Exhibit A** and was requested by IAB Investigator, Sergeant Morris on 02/10/2015. The firearms report was entered into this investigation as **Exhibit D.** The Crime Lab's chemical test was negative for latent prints on Suspect McAfee's firearm, refer to **Exhibit A, page 38**. No blood was found on Suspect McAfee's firearm, refer to **Exhibit A, page 172.**

Property Damage

None

Criminal Investigator

The handling Homicide Detectives were Gary Sica #[redacted] and Michael Rodriguez #[redacted].

Lighting and Weather Conditions

This incident occurred during daylight hours. The weather was clear and warm.

Involved Employee Statements

Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in **Exhibit A, pages 58 to 61.** The verbatim transcripts of those interviews are enclosed in this case. This IAB investigator reviewed the audio recordings of those interviews and found that Homicide's summary of each interview is an accurate account of what was said. The interviews were placed on an audio CD, refer to **Exhibit B.**

IAB Interview of Sergeant Pablo Partida

Sergeant Partida was interviewed by IAB investigators Sergeant Morris and Lieutenant Carter on May 14, 2015. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Sergeant Partida stated he was assigned as 153S which is the Violent Crime Enforcement Team. He and Deputy Gonzalez went to get something to eat and were in a marked black and white patrol car. He was wearing a class B uniform with a gun belt.

He had his duty weapon, two magazines containing additional rounds of ammunition, a sheriff's radio, two handcuff cases, OC pepper spray and additional magazines in the back of his gun belt, a flashlight and Expandable Baton.

Sergeant Partida stated he and his partner (Deputy Gonzalez) were driving south on Duchess Drive in the city of Whittier on their way back to Pico Rivera Station when they saw two males on the front porch of [redacted] Duchess Drive. They recognized the house as being a location known for narcotics based on a citizen complaint. Sergeant Partida and Deputy Gonzalez had also arrested a male at that location two weeks earlier for possession of narcotics. During the narcotics investigation at that location, they obtained information from the [redacted] that his [redacted] (Suspect McAfee) was a parolee who lived at the location and may be armed with a gun. Sergeant Partida and Deputy Gonzalez had no further information, other than Suspect McAfee was in fact on parole.

As Sergeant Partida and Deputy Gonzalez drove closer to the location, Suspect McAfee walked up to the front door of the location and attempted to open the front door. Deputy Gonzalez and Sergeant Partida stopped their patrol car just to the north of Suspect McAfee's home. Suspect McAfee began running north along the porch towards the driveway. Sergeant Partida began to run west down the driveway towards Suspect McAfee.

Sergeant Partida stayed with Suspect McAfee and his partner (Deputy Gonzalez) stayed with the second male (Mr. [redacted]. As Sergeant Partida focused on Suspect McAfee, he did not hear his partner give any commands to Mr. [redacted] nor were they communicating to each other at this point.

Sergeant Partida saw Suspect McAfee holding his waistband as he ran north along the front porch. Sergeant Partida ordered Suspect McAfee to stop. Sergeant Partida believed Suspect McAfee was a gang member at this point based on his baggy clothing and numerous tattoos on his arms, neck and chin area.

Suspect McAfee reached the gate at the end of the porch and opened it. Suspect McAfee entered the backyard through the gate and closed it behind him.
Sergeant Partida reached the gate which was approximately fifteen yards from his patrol car, and heard what he believed to be metal clanging on the ground. Sergeant Partida was standing in front of the gate which offered no cover. Sergeant Partida opened the gate a split second later after hearing the noise to clear the area directly behind the fence and to possibly obtain a last seen direction of Suspect McAfee.

As Sergeant Partida opened the gate, he saw Suspect McAfee in a crouched position, holding a gun in either his right or left hand, approximately six feet away from Sergeant Partida. Suspect McAfee raised the gun upward, pointing it towards Sergeant Partida as he was standing up from a crouched position. Sergeant Partida saw the barrel of the gun pointed at him and he fired two rounds at Suspect McAfee. Sergeant Morris advised

Sergeant Partida of the Autopsy results and the fact the Suspect McAfee sustained two bullet wounds to the left side of his body. Sergeant Partida stated he believed at the time of Homicide Bureau's interview, Suspect McAfee was holding the gun with his right hand.

However, after the fact, he stated he was focused on the barrel of the gun pointed at him as he opened the gate, and that Suspect McAfee may have been holding the gun with his left hand, with the left side of his body pointed towards him.

Suspect McAfee stood up and in one continuous motion, threw the firearm over the fence into the back yard to the property to the north ([redacted]). After Suspect McAfee threw the gun over the fence, he took several steps forward and collapsed. Suspect McAfee fell to the ground face up, with both of his hands on his chest. Sergeant Partida stated he detained Suspect McAfee at gun point and heard his partner ask him if he was ok. Sergeant Partida advised Deputy Gonzalez he was ok.

Sergeant Partida stated he heard Deputy Gonzalez advising units over the radio that they were involved in a shooting. Sergeant Partida stated he looked over the gate into the back yard of [redacted] and saw Suspect McAfee's gun lying on the ground on the grass area of the back yard.

Sergeant Partida stated he and Deputy Gonzalez waited for assisting units to arrive on scene. Once additional units arrived on scene, Sergeant Partida directed a unit to secure the gun which was in the back yard of the house to the north.

Sergeant Partida was shown a crime sketch of the location. He was asked to show Suspect McAfee's path along the driveway and into the back yard. On the same sketch, he showed his direction of travel from his patrol car. Sergeant Partida was given a crime scene photo of the driveway and van behind the gate. Sergeant Partida was asked to show where Suspect McAfee was at the time of the shooting. Sergeant Partida believed he was not in foot pursuit, and it was his intent to obtain additional information to contain Suspect McAfee. Refer to the photo and crime scene sketch in Sergeant Partida's transcription section of this report.

Witnesses

Sworn:

Gonzalez, Cuauhtemoc Deputy #[redacted]

Pico Rivera Station

Deputy Gonzalez was interviewed by Homicide Investigators on July 19, 2013. For the summary of that interview, refer to **Exhibit A**, **pages 56 through 58.** The interview was audio recorded and placed on a CD, refer to **Exhibit C**.

The interview was transcribed. For the verbatim transcript of this interview, refer to transcription section of this report. The following is a summary of Homicide Bureau's interview.

Deputy Gonzales stated he was working unit 153 from [redacted] to [redacted] hours in class B uniform. He was wearing a Sam Brown gun belt which was equipped with his 9mm Beretta duty weapon. He also had on his belt, two sets of handcuffs, O.C. spray, expandable baton, and his portable radio.

Deputy Gonzales stated he and his team sergeant, Sergeant Partida went out to get something to eat prior to the start of his shift. After they ate lunch, they assisted Pico Rivera units on a prowler call and started to head back to the station.

While driving back to the station, they were heading south on Duchess Drive towards Reichling. They saw two males sitting on the porch of a location where they have had previous contact with a suspect who was arrested for methamphetamine.
During that arrest they developed information that a parolee was living at the location. However, Deputy Gonzales had no knowledge of what the parolee looked like.

As Deputy Gonzales and Sergeant Partida approached the driveway, the two males stood up and walked towards the front door. One of the males attempted to open the front door to the house, however they were not able to open the front door.

One of the males ran north towards the driveway, and one of the males stood still. Sergeant Partida stayed with the male (Suspect McAfee) who was running and Deputy Gonzales ordered the other male (Witness [redacted] to lie down on the ground.

As Deputy Gonzales was ordering Witness [redacted] to lay on the ground, he heard two gunshots. Deputy Gonzales asked his partner (Sergeant Partida) if he was ok. Sergeant Partida stated he was ok. Deputy Gonzalez stated he saw Suspect McAfee lying on the driveway in front of the van. Deputy Gonzalez stated he put out radio traffic advising SCC they had been involved in a Deputy involved shooting and requested additional units and paramedics.

<u>IAB Interview of Deputy Cuauhtemoc Gonzalez</u>

Deputy Gonzalez was interviewed by IAB investigators Sergeant Morris and Lieutenant Carter on May 13, 2015. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview

Deputy Gonzalez and Sergeant Partida were driving back to the station from getting something to eat prior to starting his shift. Deputy Gonzalez and Sergeant Partida were driving south on Duchess Drive towards Reichling Lane, he saw two males seated on the front porch of [redacted] Duchess Drive in the city of Whittier.

The two males appeared to be gang members based on their clothing. Deputy Gonzalez recognized the house from a previous arrest two weeks prior to this incident where they arrested a male for possession of Methamphetamine. During that arrest they learned a parolee also lived at the location and may be armed with a handgun.

As Deputy Gonzalez and Sergeant Partida drove closer towards the house, one of the males (Suspect McAfee) immediately stood up and attempted to open the front security screen door. As Suspect McAfee was attempting to open the front door, he looked back over his shoulder towards Deputy Gonzalez and Sergeant Partida.

Suspect McAfee was unable to open the security door and began to run north along the front porch towards the driveway. Suspect McAfee placed both of his hands towards his waistband as he ran along the porch. As Suspect McAfee reached the driveway, Deputy Gonzalez lost sight of him. Deputy Gonzalez and Sergeant Partida exited their patrol car as Suspect McAfee reached the driveway. Sergeant Partida ran in a northwest direction towards Suspect McAfee.

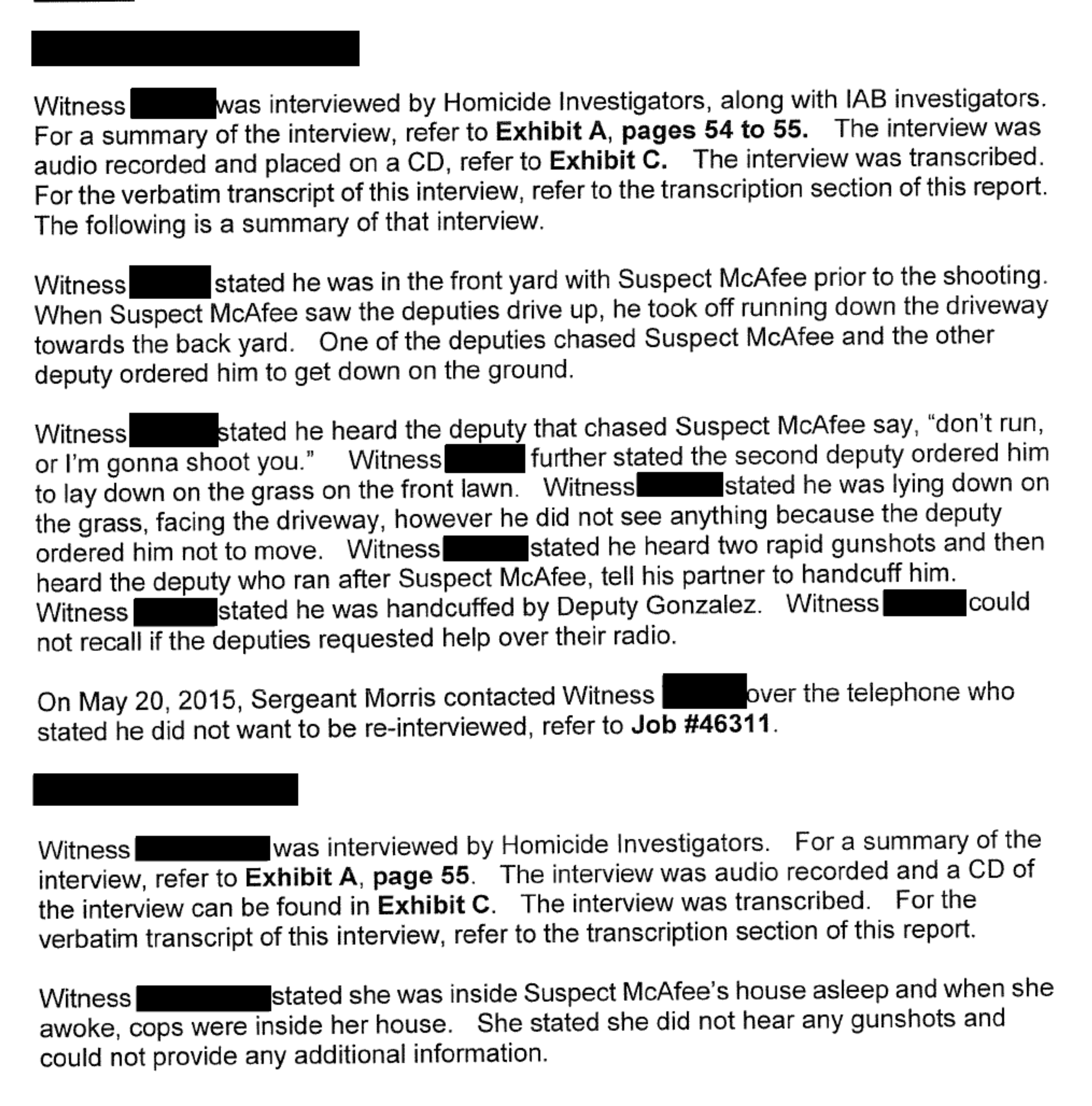
Deputy Gonzalez exited his patrol and went around the front and ordered [redacted]ond male (Identified as Mr. [redacted]) to "let me see your hands." Mr. [redacted] immediately went down to the ground on the front lawn, in prone position [redacted] hands out to his side.

As Deputy Gonzalez was detaining Mr. [redacted], he heard two rapid gunshots. Deputy Gonzalez believed at the time of the sh[redacted] he was somewhere on the front lawn, between his patrol car and the lamp post in the front lawn. He asked Sergeant Partida if he was "ok" and Sergeant Partida said yes. Deputy Gonzalez used the lamp post in the front lawn as cover as he detained Mr. [redacted] Deputy Gonzalez could not see Sergeant Partida clearly, however he could see him through his peripheral vision, behind him and to his right approximately 10 to 15 feet away.

Deputy Gonzalez took several steps back and looked under the van in the driveway. Deputy Gonzalez saw Suspect McAfee lying on the ground in front of the van. Deputy Gonzalez requested assistance from Pico Rivera units at this point and advised they had been involved in a shooting. Deputy Gonzalez also requested paramedics.

Deputy Gonzalez ordered Mr. [redacted] to place his hands behind his back at which time he complied. Deputy Gonzalez was able to handcuff Mr. [redacted] prior to assisting units arriving on scene. Sergeant Partida advised Deputy Gonzalez there was an article in the backyard to the north of their location.

Once additional units arrived, Deputy Gonzalez directed them to detain Mr. [redacted] Deputy Gonzalez went to the back yard of [redacted] and located a handgun in the back yard. He believed the gun may have been damaged due to the magazine of the gun protruding out and numerous rounds lying around the gun.



Deputy Gonzalez remained with the gun until he was relieved by responding units. Deputy Gonzalez never touched the gun.

Civilian:

[redacted]

Witness [redacted] was interviewed by Homicide Investigators, along with IAB investigators. For a summary of the interview, refer to **Exhibit A**, **pages 54 to 55.** The interview was audio recorded and placed on a CD, refer to **Exhibit C.** The interview was transcribed. For the verbatim transcript of this interview, refer to the transcription section of this report. The following is a summary of that interview.

Witness [redacted] stated he was in the front yard with Suspect McAfee prior to the shooting. When Suspect McAfee saw the deputies drive up, he took off running down the driveway towards the back yard. One of the deputies chased Suspect McAfee and the other deputy ordered him to get down on the ground.

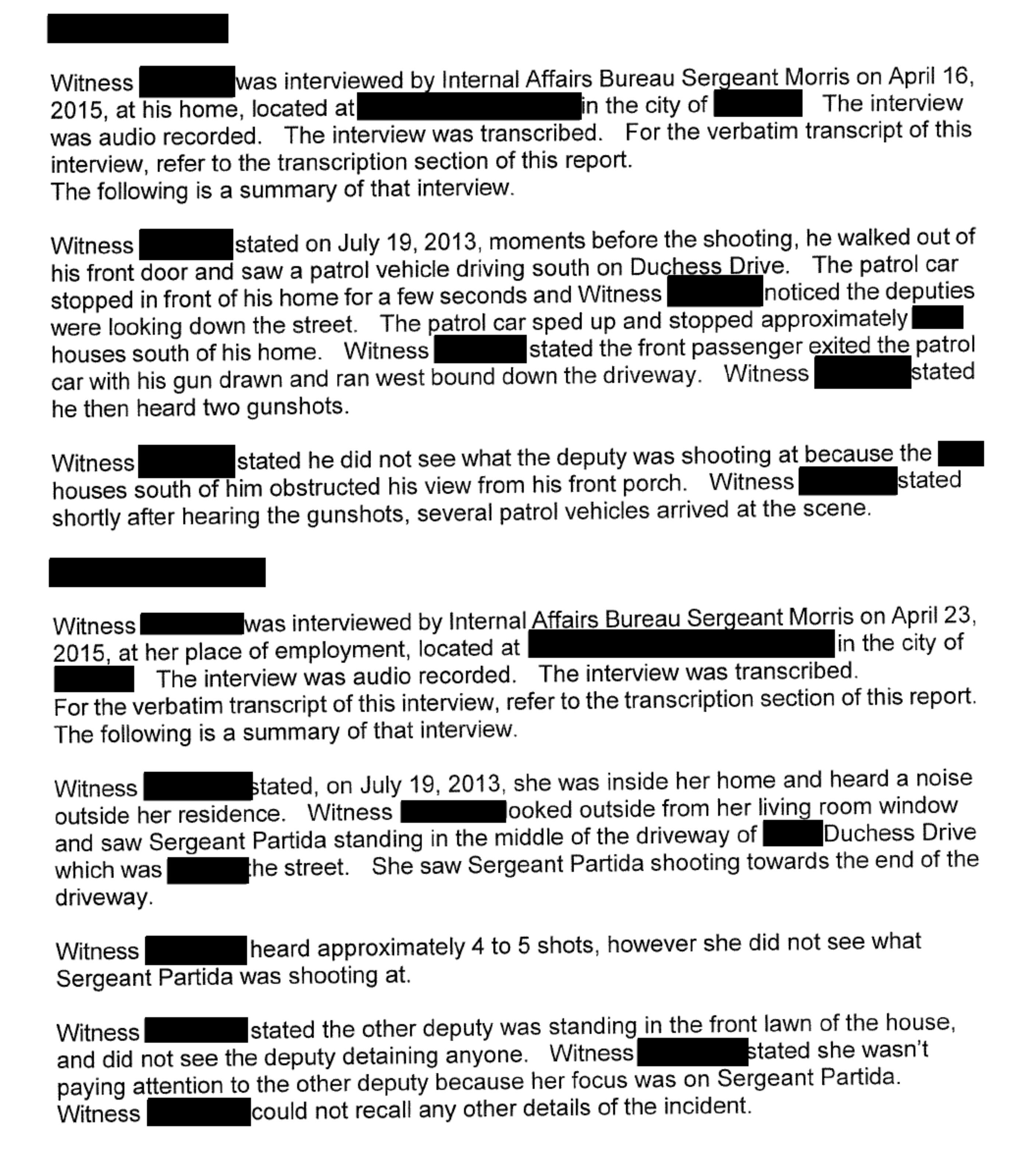
Witness [redacted] stated he heard the deputy that chased Suspect McAfee say, "don't run, or I'm gonna shoot you." Witness [redacted] further stated the second deputy ordered him to lay down on the grass on the front lawn. Witness [redacted] stated he was lying down on the grass, facing the driveway, however he did not see anything because the deputy ordered him not to move. Witness [redacted] stated he heard two rapid gunshots and then heard the deputy who ran after Suspect McAfee, tell his partner to handcuff him. Witness [redacted] stated he was handcuffed by Deputy Gonzalez. Witness [redacted] could not recall if the deputies requested help over their radio.

On May 20, 2015, Sergeant Morris contacted Witness [redacted] over the telephone who stated he did not want to be re-interviewed, refer to **Job #46311**.

[redacted]

Witness [redacted] was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **page 55**. The interview was audio recorded and a CD of the interview can be found in **Exhibit C**. The interview was transcribed. For the verbatim transcript of this interview, refer to the transcription section of this report.

Witness [redacted] stated she was inside Suspect McAfee's house asleep and when she awoke, cops were inside her house. She stated she did not hear any gunshots and could not provide any additional information.



[redacted]

Witness [redacted]was interviewed by Internal Affairs Bureau Sergeant Morris on April 16, 2015, at his home, located at [redacted]in the city of [redacted] The interview was audio recorded. The interview was transcribed. For the verbatim transcript of this interview, refer to the transcription section of this report.
The following is a summary of that interview.

Witness [redacted]stated on July 19, 2013, moments before the shooting, he walked out of his front door and saw a patrol vehicle driving south on Duchess Drive. The patrol car stopped in front of his home for a few seconds and Witness [redacted]noticed the deputies were looking down the street. The patrol car sped up and stopped approximately [redacted] houses south of his home. Witness [redacted]stated the front passenger exited the patrol car with his gun drawn and ran west bound down the driveway. Witness [redacted]stated he then heard two gunshots.

Witness [redacted]stated he did not see what the deputy was shooting at because the [redacted] houses south of him obstructed his view from his front porch. Witness [redacted]stated shortly after hearing the gunshots, several patrol vehicles arrived at the scene.

[redacted]

Witness [redacted]was interviewed by Internal Affairs Bureau Sergeant Morris on April 23, 2015, at her place of employment, located at [redacted]in the city of [redacted] The interview was audio recorded. The interview was transcribed.
For the verbatim transcript of this interview, refer to the transcription section of this report.
The following is a summary of that interview.

Witness [redacted]tated, on July 19, 2013, she was inside her home and heard a noise outside her residence. Witness [redacted]ooked outside from her living room window and saw Sergeant Partida standing in the middle of the driveway of [redacted]Duchess Drive which was [redacted]he street. She saw Sergeant Partida shooting towards the end of the driveway.

Witness [redacted]heard approximately 4 to 5 shots, however she did not see what Sergeant Partida was shooting at.

Witness [redacted]stated the other deputy was standing in the front lawn of the house, and did not see the deputy detaining anyone. Witness [redacted]stated she wasn't paying attention to the other deputy because her focus was on Sergeant Partida.
Witness [redacted]could not recall any other details of the incident.

ADDITIONAL INFORMATION:

Sergeant Morris attempted to contact residents at [redacted] on April 8, 2015, April 16, 2015, May 7, 2015 and June 2, 2015 in an effort to identify and interview the girl Deputy Gonzalez saw on the phone outside the residence shortly after the shooting. Sergeant Morris' business card was left at the location requesting the residents to call him, however as of June 16, 2015, no one has made contact with Sergeant Morris.